

**July 26, 2012 Minutes of
Bigfork Land Use Advisory Committee
Bethany Lutheran Church
Draft**

Committee members present: John Bourquin, Shelley Gonzales, Susan Johnson, Joyce Mitchell and 6 members of the public.

Chairman Gonzales called the meeting to order at 4:02 p.m. Gonzales asked committee member Bourquin to chair the meeting so she could take the minutes.

The committee agreed to modify the order of business and moved the appointment of the Member-at-Large position to after Public Comment as the only applicant was Sterling Kerr, the Member-at-Large whose position expired on May 31, 2012. The amended Agenda was adopted as modified (m/sc Bourquin/Mitchell)-unanimous.

Minutes of the May 31, 2012 meeting were approved as corrected (m/sc Gonzales/Mitchell)-unanimous.

ADMINISTRATOR'S REPORT:

- A. Sign-in sheet:** Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/. Agendas are posted on the Flathead County Planning Office website flathead.mt.gov/
- B. Status of pending applications:** Rising Mountain Assisting Living of Bigfork PUD was approved unanimously by the Planning Board. County Commissioner's office filed the 45 day public notice for the application on July 24th.

PUBLIC COMMENT:

Al Johnson asked if there was a candidate for the BLUAC secretary position. The candidate, Gwen Sutherland, was present.

APPOINTMENT OF MEMBER-AT-LARGE:

Sterling Kerr, Member-at-Large from June 1, 2011 through May 31, 2012 was the only applicant for the position. Mitchell motioned to appoint Kerr as the Member-at-Large for the term expiring May 31, 2013. The motion was seconded by Bourquin and approved unanimously. Kerr took a seat at the committee table as he had been provided with the information and staff report for the scheduled application.

APPLICATIONS:

- A. FZC-12-01 Messenger/Savelle – A Zone Change request in the Bigfork Zoning District by Louise Messenger and Don & Rebekah Savelle.** The proposal would change the zoning on 10 acres from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential). The property is located at 1430 and 1434 Bigfork Stage Road.

STAFF REPORT:

Alex Hogel: Staff report FZC-12-01 was presented in its entirety. The report included 11 Findings of Facts. Alex reported that Suburban Residential is a rural setting and is not served

by public utilities. However, the Bigfork Neighborhood Plan states that Suburban Residential development (R-1) should have public utilities and paved roads. Thus an inconsistency exists between requirements and the text of the Neighborhood Plan.

Bourquin: Could the Messenger property be divided through a Family Transfer? A. Hogel: No, as both lots must be 5 acres each under SAG-5.

Gonzales: Staff report states there may or may not be subdivision review, what number of lots triggers a formal public review? A. Hogel: It depends as there is no set number, maybe 3 or 5 in this case.

Gonzales: Do you have a topo map of the subject properties? It appears that the Savelle property is very steep and could not support 5 lots. A. Hogel: He provided a site map which confirmed that the eastern most part of the Savelle property is very steep and most likely could not support development.

Bourquin: Was R-2.5 zoning ever considered? A. Hogel: No.

APPLICANT:

Rick Breckenridge, technical advisor, represented the applicants. Breckenridge provided a history of the ownership of the property including that infrastructure (power and phone) was in place for development. Applicant Messenger wants to provide a family member with the ability to build a home on her 5 acre parcel (tract 7A).

Bourquin: The Savelle property (tract 7AD) is for sale, why is included in this application? A.

Breckenridge: The property is included for access to the Messenger property via the existing road easement.

Bourquin: Why is the zoning request for R-1 instead of R-2.5? A. Breckenridge: BJ Grieve suggested R-1, and thought it was a better fit.

Mitchell: The impact of the development of the Gates Homestead subdivision is not included in the Bigfork Stage Road traffic count. A. Hogel: It was not looked at.

Mitchell: We need to consider all projects and their impact on Bigfork Stage Road. We need to take into consideration the concerns of the property owners.

Mitchell: Is this spot zoning? A. Hogel: No, only one of the three criteria for spot zoning applied.

Kerr: Referring to page 7 of the staff report, Road and Bridge Department comments. What level of Road Department maintenance will be on Bigfork Stage Road? A. Hogel: It depends. If there is no subdivision review then there would be no conditions. If there is a subdivision review then some conditions could be required. A discussion followed on the reported number of trips, estimated number of trips and the determination of amount of road that would need paving. It was stated by Breckenridge that any paving would be cost prohibitive to the applicants.

A discussion followed regarding the Gates Homestead subdivision and that the developer volunteered to pave a large portion of Bigfork Stage Road than he would be required to by virtue of the road frontage.

Kerr: Questioned if there could be a family transfer to accommodate Messenger's desire to allow her daughter to build a home on her property. A. Hogel: Since this is SAG-5, each lot would need to be 5 acres.

Bourquin: What about a caretaker facility on the Messenger property as it is allowed as a conditional use under SAG-5? A. Hogel: It might not work. Perhaps a family hardship provision might work.

PUBLIC COMMENT:

None

PUBLIC AGENCIES:

None

BLUAC:

Gonzales: Stated the proposed zoning change creates too great a density for the area and places too much pressure on unpaved Bigfork Stage Road as well as water and septic for potentially 10 lots. With R-2.5 zoning there would be less impact and would be a better choice.

Kerr: R-2.5 would limit number of lots.

Gonzales: Comment: With having just one property owner stating that they wanted to add an additional residence, there is no certainty that a public subdivision review would occur, thereby not conditioning the road issues and impacts.

Mitchell: The proposed zoning change opens the door for R-1 to spread in an area that is predominately SAG-5 and SAG-10, and it places further impact on Bigfork Stage Road.

Hogel: Responded to the concerns of further impact of the road and that it is possible that no subdivision review would occur, therefore no conditions on road paving, and that a staff report cannot take into consideration all the "what ifs".

MOTION: A motion to forward to the Planning Board a recommendation to decline the application was made (m/sc Gonzales/Mitchell).

Hogel: Requested that the motion include reasons for declining the application and consider the Findings of Facts.

Further committee discussion:

Bourquin: Is there enough land to zone R-2.5? A. Breckenridge: Planning office said it was not suitable.

Hogel: Stated that Suburban Residential zoning in the Bigfork Neighborhood Plan allows for R-1, R-2.5 and RC-1 zoning classification.

Bourquin: Based on the size of the two applicant properties, there is more connection with a R-2.5 zoning than R-1 zoning.

Gonzales: Referenced pages 13 and 14 of the staff report, specifically Policy 6.2 of the Bigfork Neighborhood Plan that states Suburban Residential densities should be in areas of paved roads and public services and facilities. The subject properties do not meet those criteria. Policy 17.7 states that subdivisions of 1 acre or less should provide public water and sewer facilities or private treatment plants. A subdivision request that does not have public review potentially would not comply with Policies 6.2 and 17.7.

Mitchell: The Savelle property (7AD) was listed on the market just days after the zoning application was filed with the Planning Department. A new owner may not want this zoning. Based upon the above discussion, the motion was tabled and restated as follows:

MOTION: A motion by Mitchell to forward to the Planning Board a recommendation to decline the application for the following reasons was made:

1. Existing dust problems on Bigfork Stage Road and increased pressure and dust created by the zoning change.
2. Tract 7AD is on the market and its easement is integral to any R-1 zoning.
3. R-2.5 zoning is more appropriate to the applicant's needs.

The motion was seconded by Johnson. The vote was taken and 4 voted in favor of the motion (Bourquin, Gonzales, Johnson and Mitchell) with 1 opposed (Kerr).

The applicant's representative, Breckenridge, voiced his objection to the Committee's decision.

OLD BUSINESS:

None

NEW BUSINESS:

A. Appointments:

Appoint replacements: Al Johnson was appointed to fill the first year of the three year term vacated by Jim Losee. Mr. Johnson will be required to file with the elections department and run for the remaining 2 years of the term. The position vacated by John Righetti remains unfilled. That position has a two year remaining term.

Appoint Secretary: Gwen Sutherland was appointed secretary for the term of one year.

B. Election of Officers:

Shelley Gonzales was elected Chairman for the term of one year.

Al Johnson was elected Vice Chairman for the term of one year.

Meeting was adjourned at 5:23 p.m.

Shelley Gonzales

BLUAC Chairman/Acting Secretary